



Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: STEPHANIE BUBENHEIM, PLANNER II *SB*
(480) 503-6625, STEPHANIE.BUBENHEIM@GILBERTAZ.GOV

THROUGH: AMY TEMES, INTERIM PRINCIPAL PLANNER *A*
(480) 503-6729, AMY.TEMES@GILBERTAZ.GOV

MEETING DATE: AUGUST 1, 2018

SUBJECT: AP18-02, HAIR SECONDARY DWELLING: APPEAL OF THE ZONING ADMINISTRATOR'S DECISION OF AN ADMINISTRATIVE USE PERMIT, AUP18-08 FOR A SECONDARY DWELLING LOCATED AT 1839 S. 142ND STREET IN THE SINGLE FAMILY-43 (SF-43) ZONING DISTRICT.

STRATEGIC INITIATIVE:	N/A
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RECOMMENDED MOTION

- A. Move to uphold the Zoning Administrator's approval of AUP18-08 and make the Findings of Fact for Hair Secondary Dwelling: an Administrative Use Permit to allow a secondary dwelling on approximately 1.25 acres of real property located at 1839 S. 142nd Street and zoned Single Family-43 (SF-43), subject to conditions.

APPELLANT/APPLICANT

Name: Matt Dawson
Address: 1841 S. 142nd Street
Gilbert, AZ 85295
Phone: (602) 463-6161
Email: cdawson125@yahoo.com

Name: Lanny & Maybritt Hair
Address: 1625 W. Seldon Lane
Phoenix, AZ 85021
Phone: (602) 997-9331
Email: lhairfamily@yahoo.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>May 22, 2007</i>	Town Council adopted Ordinance No. 1946 annexing approximately 7.46 acres south and west of the southwest corner of Ray and Lindsay Roads. The subject site had an existing single family residence, pool, and accessory structure.
<i>September 25, 2007</i>	Town Council adopted Ordinance No. 2028 (Z07-10) rezoning approximately 7.46 acres from Maricopa County Rural-43 (RU-43) to Single Family-43 (SF-43).
<i>April 1, 2015</i>	The Town approved a building permit (BLD-2015-01262) for a 1,600 square foot accessory garage on the subject site.
<i>June 11, 2018</i>	The Zoning Administrator approved AUP18-08, an Administrative Use Permit for a secondary dwelling on the subject site, subject to conditions.
<i>June 11, 2018</i>	The appellant appealed the approval of AUP18-08 by the Zoning Administrator

Overview

The 1.25 acre subject site is located in a neighborhood southwest of the intersection of Lindsay and Ray Roads and is not part of a platted subdivision. The area was annexed into the Town in segments between 2006 and 2007 and contains existing single family residential homes on large lots. The subject site has an existing single family residential home with a pool, and 3 accessory structures (cabana, shed, and garage). There is a 40' private drive easement along the north property line that is split equally between the subject property and the property to the north.

An application was filed on March 15, 2018 with the Town for an Administrative Use Permit to construct a secondary dwelling on the property. The secondary dwelling will include 3-bedrooms 1.5-bathrooms, full kitchen, living room, garage, two covered porches and a basement that includes 1-bedroom and 1-bathroom. Total first floor living square footage of the secondary dwelling is approximately 2,752 square feet, with a total first floor under roof of approximately 3,520 square feet. Approximate square footage of basement is 2,112 square feet that will be partially finished. After review, a Notice of Decision approving the secondary dwelling was issued on June 11, 2018. The Notice of Decision was appealed on June 11, 2018 by a property owner to the east of the subject property.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Residential>0-1 DU/Acre	Single Family-43 (SF-43)	Single Family Residence
South	Residential>0-1 DU/Acre	Single Family-43 (SF-43)	Single Family Residence
East	Residential>0-1 DU/Acre	Single Family-43 (SF-43)	Single Family Residence
West	Residential>0-1 DU/Acre	Single Family-43 (SF-43)	142 nd Street then Single Family Residence
Site	Residential>0-1 DU/Acre	Single Family-43 (SF-43)	Single Family Residence

Appeal Discussion

The Land Development Code (LDC) allows for Secondary Dwellings on single family properties within the SF-6 through SF-43 zoning districts with the approval of an Administrative Use Permit (AUP). The AUP serves to notify the surrounding property owners that an additional unit (may be rented) is being proposed within the neighborhood and to demonstrate that the new unit will not be negatively impactful on the existing surroundings. A letter notifying property owners of the proposed secondary dwelling is sent out at least 15 days prior to the issuance of a Notice of Decision (NOD). The Zoning Administrator must find that the proposed structure and location complies with LDC standards and the Findings of Fact (see Attachment 3 for NOD). Staff's observations are in *italics* following the regulation.

Establishment. Secondary Dwellings shall not be constructed prior to construction of the dwelling unit. *The primary structure was constructed in 1994.*

2. Number. Only 1 Secondary Dwelling unit is permitted on a lot or parcel. *There is one primary dwelling on the lot; this request will be the only secondary dwelling unit permitted on the property.*
3. Location.
 - a. Except for Secondary Dwellings constructed over a detached garage, Secondary Dwellings shall be located within the building envelope. *The secondary dwelling unit is proposed to be located within the building envelope.*
 - b. A Secondary Dwelling constructed over a detached garage shall not exceed the height of the principal dwelling. *The secondary dwelling is not located over a detached garage.*
4. Additional Standards.
 - a. The entrance to the Secondary Dwelling shall not be visible from the public or private street on which the principal dwelling fronts; *The entrance of the secondary dwelling will be located behind a proposed 8' CMU block wall, behind the primary structure and will not be visible to the public street.*
 - b. The Secondary Dwelling shall use utility service provided to the principal dwelling; *A new septic system is proposed to be constructed to accommodate additional volume. Electric and water service lines will come from the services of the principal dwelling.*
 - c. The Secondary Dwelling shall provide one additional off-street parking space in conformance with Section 4.203X: Parking on Single Family Residential Lots. The space may be enclosed or unenclosed; *The secondary dwelling unit will include a 2-car garage.*
 - d. The Secondary Dwelling shall not have internal access to the principal dwelling; *The secondary dwelling does not attach to the principal dwelling s fully detached.*
 - e. Rentals of Secondary Dwellings are permitted;
 - f. A full kitchen is permitted in a Secondary Dwelling; *and A full kitchen is proposed.*
 - g. The design of the Secondary Dwelling unit shall be compatible with the design of the principal dwelling in materials, colors and architectural style. *A condition of approval for the administrative use permit was the secondary dwelling will have lap siding and brick that is similar in design to the principal dwelling. The roof material may be a lighter*

color to mitigate heat if the trim of the secondary dwelling unit is painted brown to match the color of the principal dwelling roof.

The proposed secondary dwelling is located in the rear ½ of the 1.25 acre site and will be located within the building envelope. The applicant is also proposing to construct an eight (8) foot tall CMU block wall around the property to replace existing chain link fence and a new gate that will be located along the private access easement along the north that will give access to the secondary dwelling unit and backyard.

The appellant submitted an application for appeal with the grounds of the appeal listed below. Staff's response to each item are in *italics*:

1. The lot percentage (lot coverage) with two homes, cabana, and work building/garage would exceed the 15.2% listed on the proposed site plan. *After further calculation of all existing structures on the property, the lot coverage came to a total of 15.2%. The maximum lot coverage for properties zoned SF-43 is 30%. The addition of a secondary dwelling unit will not exceed the maximum lot coverage allowed. Lot coverage includes the following structures: Primary dwelling with carport, shed, accessory garage, cabana, proposed secondary dwelling.*
2. The proposed site plan has not been professionally surveyed. *The site plan is not required to be professionally surveyed for the AUP application. The applicant hired a draftsman for the initial site plan, the draftsman was unable to complete work and staff has worked with the applicant to revise the site plan. When the applicant applies for the building permit, the construction drawings must be professionally sealed and drawn to scale.*
3. Devaluation of neighboring properties as they are 1+ acre pieces. *Neighboring properties are similarly zoned SF-43 and may be developed with accessory structures, guest quarters and secondary dwellings per LDC standards. There is no evidence to be provided that the proposed secondary dwelling will devalue neighboring properties.*
4. Property presents itself for future residential rental possibilities. *Any secondary dwelling is permitted to be a rental property per LDC Section 2.106.D.4.e. Also, in compliance with the new A.R.S. 9-500.38, Vacation or Short-Term Rentals are permitted uses within single family and multi-family zoning districts. The subject site will be unable to split into two separate parcels in the future because the two lots would not meet the requirements of minimum lot size within the current SF-43 zoning district. Per LDC Section 2.106.D.4.b., the utility services will be required to come from the primary structure and will be verified during the building permit process and inspections. The secondary structure and primary structure utility services for electricity and water will be under one bill for each utility provider.*
5. Increased traffic on easement given for ingress/egress for residents on back acreage lot. *The 40' unpaved ingress/egress easement along the north property line is shared equally (20' on each property) between the subject site and the property to the north. Two additional properties utilize the easement for access as they do not front 142nd Street. The easement may not be blocked and parking for the secondary dwelling will be provided on-site with an attached garage. The LDC does not have regulations regarding traffic on private ingress/egress easements; any issues with the shared easement would be handled among parties as a civil matter.*

Project Data Table

Site Development Regulations	Required per LDC	Proposed for Secondary Dwelling
Maximum Height (ft.)/Stories	35'/2'	1-story
Minimum Building Setbacks (ft.)		
Front to ROW	40'	40'
Side to residential	30'	30'
Rear to residential	40'	40'
Lot Coverage	30%	15.2%
Parking	Primary Residence: 2 covered spaces Secondary Dwelling: 1 additional space	Primary Residence: 2 open spaces (carport) Secondary Dwelling: 2 covered spaces

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

During the AUP neighborhood notification period, staff received phone calls and emails from surrounding property owners and the following concerns were brought forth:

- The size of the secondary dwelling unit
- The ability of the secondary dwelling unit to be rented out in the future
- The maximum lot coverage
- The use of the private drive easement
- Utility services being separate from the primary dwelling
- The possibility of a lot split in the future

REASONS FOR THE RECOMMENDATION

The Planning Commission is required to make four findings in order to UPHOLD the Zoning Administrator approval of the Administrative Use Permit. The findings are listed here along with reasons why staff considers that the findings are or are not met in this case. These findings are:

- 1. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;*

The Secondary Dwelling, as conditioned, will not impact the neighboring uses or the community in general. The proposed structure will meet all required building setbacks from neighbors, is below maximum height limits and will provide required parking on-site. The proposed structure meets all of the LDC Development Standards and is designed to blend into the existing neighborhood.

2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the Town Council;

The General Plan land use classification for the lot is Residential > 0-1 DU/acre. This classification designates areas for low-density single-family residential development of a semi-rural, large-lot character. The proposed Secondary Dwelling is in conformance with the General Plan Vision, Goals, and Policies as noted in the applicant's narrative. Specifically, the proposal conforms with Policy 1.3 "Encourage residential development that allows for a diversity of housing types for all age groups and is accessible to a range of income levels" and Policy 4.1 "Provide an adequate supply of appropriately zoned land to accommodate a variety of future housing needs."

3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.

LDC Section 2.106.D requires a Secondary Dwelling to meet regulations related to establishment, number, location and seven (7) additional standards in Single Family - 43 (SF-43) zoning district. As conditioned, the proposed construction will meet all applicable standards and the design will be compatible with the design of the principal dwelling in materials, colors and architectural style. Rentals of Secondary Dwellings are permitted per LDC Section 2.106.D.4.e.

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

As conditioned, the request to construct the Secondary Dwelling will not unreasonably interfere with the use and enjoyment of nearby properties. On the 1.25 acre subject site, the proposed structure meets all required building setbacks from neighbors, is below maximum height limits and will provide required parking on-site.

STAFF RECOMMENDATION

Staff recommends the Planning Commission move to UPHOLD the Zoning Administrator's approval of AUP18-08 and make the Findings of Fact for the Hair Secondary Dwelling Unit: an Administrative Use Permit to allow a secondary dwelling on approximately 1.3 acres of real property located at 1839 S. 142nd Street and zoned Single Family-43 (SF-43), subject to conditions:

1. The approval of AP18-02 the Hair Secondary Dwelling at 1839 S. 142nd Street shall conform to information illustrated on attachments approved by the Zoning Administrator on June 11, 2018.
2. AP18-02 shall conform to all requirements for Secondary Dwellings as identified under Land Development Code, Section 2.106.D.
3. Secondary dwelling shall use utility service provided to the principal dwelling.

4. Lap siding and brick that is similar to the design and architectural style of the principal dwelling unit shall be used. The roof material may be a lighter color to mitigate heat, if the trim of the secondary dwelling unit is brown to match the color of the principal dwelling unit roof.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. B.', with a stylized flourish at the end.

Stephanie Bubenheim
Planner II

Attachments and Enclosures:

- 1) Notice of Public Hearing
- 2) Aerial Photo
- 3) Notice of Decision with Exhibits issued on June 11, 2018
- 4) Appeal Application submitted on June 6, 2018
- 5) Correspondence
- 6) AUP18-08 Project Narrative

Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, August 1, 2018 TIME: 6:00 PM*

**LOCATION: Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive**

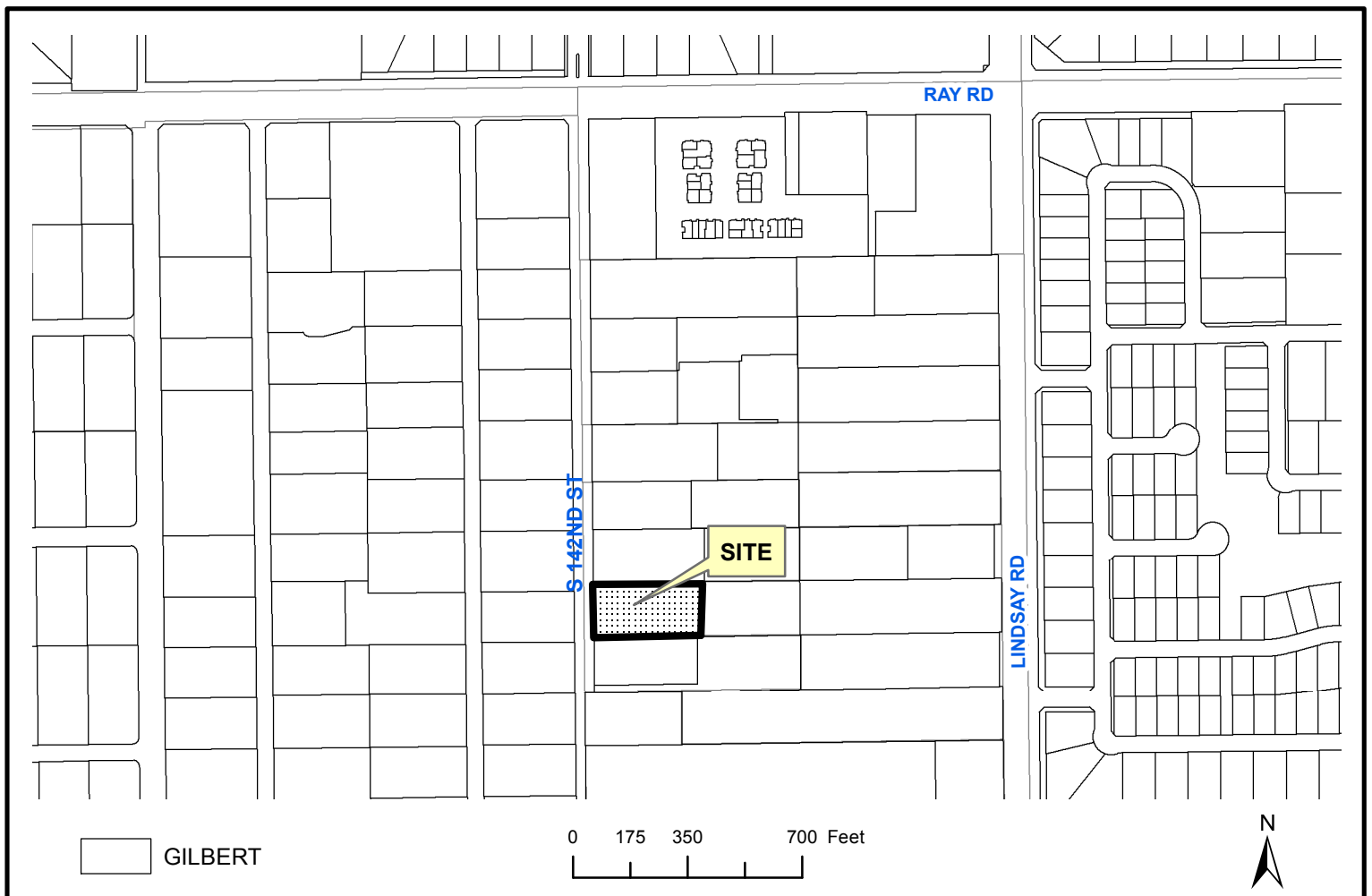
* Call Planning Department to verify date and
time: (480) 503-6625

REQUESTED ACTION:

AP18-02 (AUP18-08): Appeal to the Gilbert Planning Commission from the Town of Gilbert Zoning Administrator's approval of an Administrative Use Permit (AUP) to allow a secondary dwelling on approximately 1.3 acres of real property located at 1839 S.142nd Street. The property is zoned Single Family-43 (SF-43). The Planning Commission may uphold approval of the AUP or deny approval of the AUP.

* The application is available for public review at the Town of Gilbert Development Services Monday - Thursday 7 a.m. - 6 p.m.

SITE LOCATION:



APPLICANT: Matt Dawson
CONTACT: Town of Gilbert, Stephanie Bubenheim
ADDRESS: 90 E. Civic Center Drive
Gilbert, AZ 85296

TELEPHONE: (480) 503-6625
E-MAIL: stephanie.bubenheim@gilbertaz.gov





NOTICE OF ADMINISTRATIVE DECISION

June 11, 2018

Applicant Lanny & Maybritt Hair
 1625 W. Seldon Lane
 Phoenix, AZ 85021
 P: 602-997-9331
 E: lhairfamily@yahoo.com

Case: AUP18-08, Hair Secondary Dwelling

**Subject Administrative Use Permit – Secondary Dwelling located at 1839 S. 142nd
Street in the Single Family Residential - 43 (SF-43) Zoning District.**

Mr. and Mrs. Hair:

The Town Zoning Administrator has reviewed and approved the application for an Administrative Use Permit (AUP08-08) to allow a Secondary Dwelling.

The applicant proposes to construct a new 3,520 square foot Secondary Dwelling, 1-story with basement building, with attached 2-car garage, on the 1.3 acre (57,643 sq. ft.) subject site. The Land Development Code (LDC) allows parcels within the Single Family Residential districts to have a Secondary Dwelling subject to LDC Section 2.106.D.

The subject site is located in the Single Family - 43 (SF-43) zoning district, and is adjacent to other parcels zoned Single Family - 43 (SF-43) zoning district. The property has an approved existing detached garage at the rear portion of the property (northeast corner of property). The Administrative Use Permit (AUP18-08) will allow the proposed use (Secondary Dwelling) on the subject site.

The Zoning Administrator is required to make four findings in order to approve an Administrative Use Permit. The findings are listed here along with reasons why staff considers that the findings are or are not met in this case. These findings are:

- 1. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;***

The Secondary Dwelling, as conditioned, will not impact the neighboring uses or the community in general. The proposed structure will meet all required building setbacks from neighbors, is below maximum height limits and will provide required parking on-site. The proposed structure meets all of the LDC Development Standards and is designed to blend into the existing neighborhood.

2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the Town Council;

The General Plan land use classification for the lot is Residential > 0-1 DU/acre. This classification designates areas for low-density single-family residential development of a semi-rural, large-lot character. The proposed Secondary Dwelling is in conformance with the General Plan Vision, Goals, and Policies as noted in the applicant's narrative. Specifically, the proposal conforms with Policy 1.3 "Encourage residential development that allows for a diversity of housing types for all age groups and is accessible to a range of income levels" and Policy 4.1 "Provide an adequate supply of appropriately zoned land to accommodate a variety of future housing needs."

3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.

LDC Section 2.106.D requires a Secondary Dwelling to meet regulations related to establishment, number, location and seven (7) additional standards in Single Family - 43 (SF-43) zoning district. As conditioned, the proposed construction will meet all applicable standards and the design will be compatible with the design of the principal dwelling in materials, colors and architectural style. Rentals of Secondary Dwellings are permitted per LDC Section 2.106.D.4.e.

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

As conditioned, the request to construct the Secondary Dwelling will not unreasonably interfere with the use and enjoyment of nearby properties. On the 1.3 acre subject site, the proposed structure meets all required building setbacks from neighbors, is below maximum height limits and will provide required parking on-site.

The approval is subject to the attached Findings of Fact and the following conditions:

1. The approval of AUP (AUP18-08) the Hair Secondary Dwelling Unit at 1839 S. 142nd Street shall conform to information illustrated on attachments approved by the Zoning Administrator on June 11, 2018.
2. AUP18-08 shall conform to all requirements for Secondary Dwellings as identified under Land Development Code, Section 2.106.D.
3. Secondary dwelling shall use utility service provided to the principal dwelling.

4. Lap siding and brick that is similar to the design and architectural style of the principal dwelling unit shall be used. The roof material may be a lighter color to mitigate heat, if the trim of the secondary dwelling unit is brown to match the color of the principal dwelling unit roof.

Note: Per LDC Section 5.404, approval of an Administrative Use Permit shall automatically expire 3 years from its effective date unless commencement of construction pursuant to a valid building permit has occurred.

This decision is final unless appealed within 10 days of the Notice of Decision pursuant to the procedures set forth in Section 5.2011 of the Land Development Code. The effective date of AUP18-08 is June 11, 2018. Please contact Stephanie Bubenheim at (480) 503-6625 or Stephanie.bubenheim@gilbertaz.gov if you have any questions regarding this notification.

Respectfully,



Catherine Lorbeer, AICP
Zoning Administrator

cc: Stephanie Bubenheim, Planner II

Attachments:

1. *Findings of Fact*
2. *Site Plan*
3. *Building Elevations*

FINDINGS OF FACT
AUP18-08, Hair Secondary Dwelling Unit – 1839 S. 142nd Street

1. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards prescribed by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

The site plan illustrates a residential property with the following features and dimensions:

- Property Dimensions:** PROPERTY LENGTH 330', PROPERTY WIDE 165'.
- Existing Structures:** 2 STORY RESIDENCE (EXISTING), CARPORT (EXISTING), 8' CMU BLOCK FENCE (EXISTING), POOL (EXISTING), CABANA (EXISTING), GARAGE (EXISTING) 40 X 40", EXISTING SLAB 17 X 40, GRASS AREA 3 X 40, EXISTING SEPTIC, LANDSCAPING, LAWN AREA (EXISTING), STORAGE SHED 18 X 10.
- Proposed Structures:** NEW DWELLING 85' X 32', 22' X 24' GARAGE AREA, 32' X 32' BASEMENT AREA, 12' X 32' COVERED PATIO (two units), NEW GATE & COLUMNS, NEW GATE 20'.
- Setbacks and Distances:** 120' from existing block fence to street including 40', 40' Setback from property line, 30' ROW, 40' SETBACK TO PROPERTY LINE, 35' SETBACK FROM PROPERTY LINE, 20' to property line, 61 FEET, 60 FEET, 32', 48', 32' X 7', 5 FEET, 10 FEET, 100.7', 5 FEET.
- Utilities and Other Features:** City Water, Electric, Fire Hydrant, IRRIGATION ENTERS, GRAVEL DRIVE (EXISTING), PRIMARY HOUSE SRP, PROPOSED LOCATION SRP ELECTRIC PANEL FOR SECONDARY DWELLING, DRIVEWAY & ADDL. PARKING, easement road - 40 feet wide (20 feet = Jason's Property), NEW 8' CMU BLOCK FENCE REPLACING EXISTING CHAIN LINK.

EXISTING/PROPOSED SITE PLAN

$$1'' = 40'$$


SOUTH

**REVISED
APRIL 22, 2018**

STANDARD CONSTRUCTION NOTES

General-

1.All construction, plumbing, electrical and mechanical will comply with the IRC One and two Family Dwelling Code and State, County and Municipal Codes.

2.Construction shall comply with all Covenants, Conditions and Restrictions recorded against the land.

3.General contractor and all subcontractors will review plans for accuracy and verify all dimensions and compliance with above codes (see #1) prior to the start of construction. Bids submitted will be according to such review.

4.Safety, care of adjacent properties during construction, and compliance with all applicable safety regulations is, and shall be, the contractors and subcontractors responsibility.

5.All trees to be protected from damage of construction process and machines unless approved for removal by owner.

Concrete-

1.Concrete shall be 5-7% air entrained with a minimum compressive strength of:
a) 2500 psi for basement walls and foundations not exposed to weather and for basement slabs and interior slabs on a grade.
b) 3000 psi for basement foundation and exterior walls and other vertical work exposed to weather.
c) 3500 psi for carport and garage floor slabs for porches and steps exposed to weather. [Table R402.2].

2.All concrete form work to be adequately tied together and braced to form a true line, square corners and plumb walls.

3.All reinforcing bars shall conform to ASTM Spec (A625 Deformed bars with minimum yield stress of 40,000 psi) Welded wire fabric to be 6x6, 10/10, conforming to ASTM spec 185.

4.Poured footing to be poured on level (less the 1" in 10'-0" slope), undisturbed soil.

5.Install 3"x3"x0.224 plate washers between foundation sill plate and nut on all foundation bolts.

6.Crawl space venting minimum 1.0 sq.ft. for each 150 sq.ft. of foundation area.

Metal-

1.All Flashing to be 24 ga. G.I. metal. Gravel stops and beam caps to be 22 ga. G.I. metal.

2.All framing connections to be Simpson Company, or approved equivalent. Simpson HI to be used at each truss to top plate connection.

Framing-

1.Exposed plywood to be exterior grade CCX. Nail 6" on edge 12" in field.

2.All dimension lumber to be Douglas Fir-Larch, 2x4 standard or better all other #2 or better unless noted otherwise.

3.All walls to be double plated, and plated joints will not be less than 48" apart. Top plate of interior partitions shall tie full into exterior wall plate.

4.Provide operable egress windows at basement and every sleeping room with a minimum clear opening of 5.7 sq.ft. (Ground floor egress window 5 sq.ft.) Least openable height: shall be net 24"; least openable width: shall be net 20"; sill height shall not be more than 44" above the floor. (R310.1).

5.Level changes at entries to be minimum 1/2" maximum 7 1/2".

6.Exterior bearing wall headers to be 2-2x10 with 2" rigid insulation.

7.Interior bearing wall headers to be 4x6#2 df-l unless noted.

8.Plumbing walls to be 2x6 (verify with plumbing contractor).

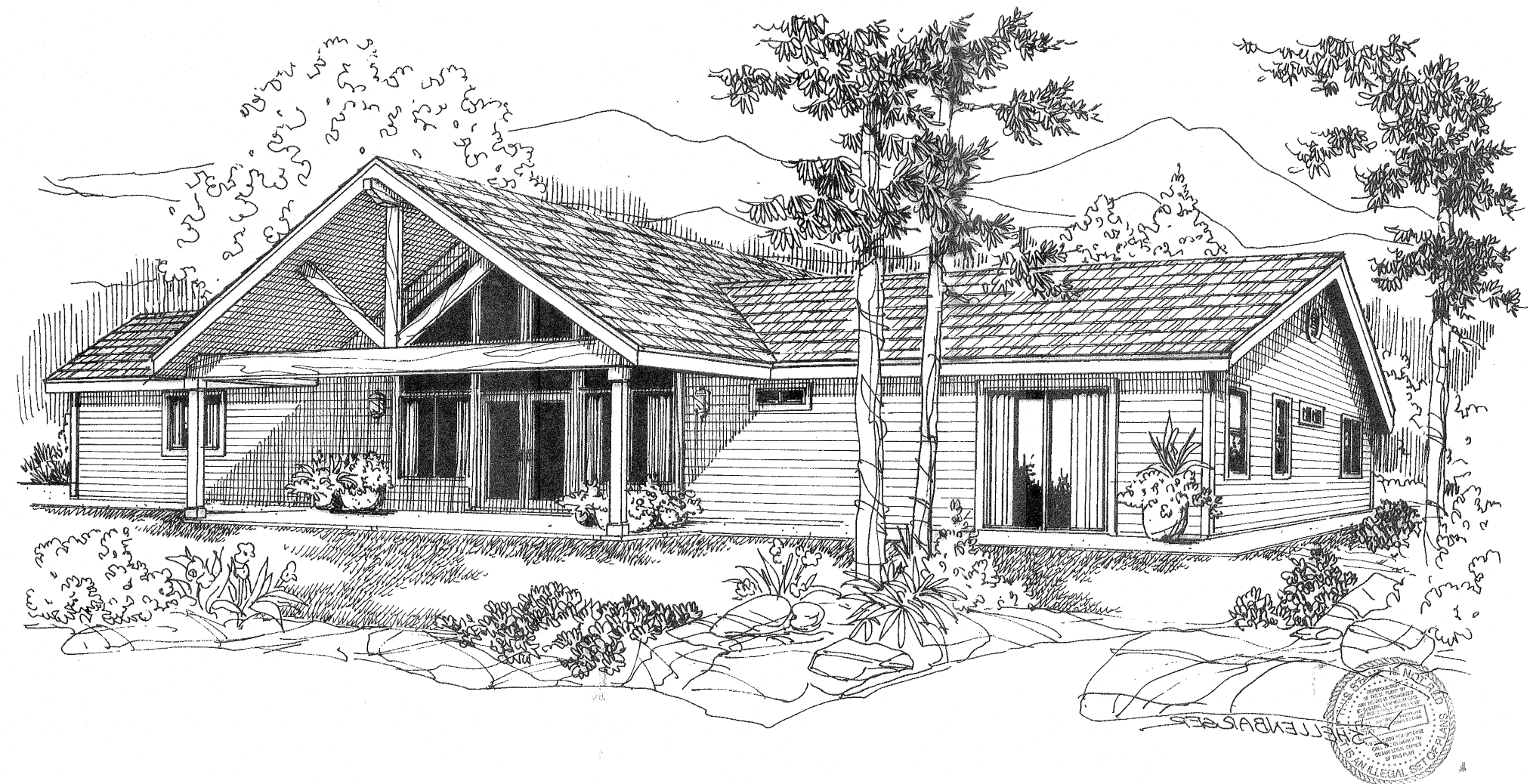
9.Provide blocking for backing: Shower rod, 84" height; Towel rod, 42" height; Curtain rod, each side of all windows.

10.All pre-wiring for telephone, TV, Stereo etc. to be coordinated with owner.

11.All trusses to be per manufacturers engineering specifications. Truss details to be provided upon framing inspection. Truss manufacturer to verify all spans and configurations prior to truss fabrication.

12.Trusses shall not bear on interior partitions unless so designed.

13.Insulation baffles to be CDX plywood (or approved equal); no felt paper allowed. Use scrap if available.



Masonry-

1.Stone or Brick selected by owner.

2.Fire damper required except for gas fireplace.

3.Provide an outside air inlet, at least 6 square inches. The inlet shall be closable (dampened) from the building interior. Duct shall be non-combustible and continuous from the interior to the exterior of the building. The inlet shall be located near, or on the floor within 24 inches of the fireplace or appliance. [R1006]

Thermal Protection-

1.Insulation required as follows:

Exterior Walls; R-21

Floors; R-30

Celling; R-38

2X10 or 2X12 Rafter vaulted ceiling for a maximum of 50% of the heated floor space area shall be allowed with R-30 insulation.

Foundation Walls; R-11

Foamed Air Duct; R-8

Water Heater; R-11 wrap

Slab on Grade; R-15

2.Six millimeter black polyethylene (reinforced if under slab) ground cover required at foundation.

3.Vapor barriers at exterior walls (one dry cup rating or less).

4.Doors and windows to be weather-stripped.

5.Windows shall have a maximum U-0.35. Skylights: Maximum U0.60

6.Exterior doors shall have a maximum U-0.20. Exterior doors with >2.5 sq.ft. glazing shall have a maximum U-0.40 (double pane with low-e coating or tripple pane glazing shall be deemed to comply with the U-0.40 requirement).

Plumbing-

1.Fixtures to be identified by owner. Color to be white unless specified.

2.Plumbing waste lines to be located as follows: The center line of water closet waste line to be 12" from face of wall behind; Tub waste lines to be centered in wall behind controls and 15" face of side wall.

3.All wallboard joints, cut edges and pipe openings at tub and shower enclosures to be protected with a separate coat of tile adhesive used as sealer. Prior to application of the finish material, all openings around pipes, fixtures, etc. to be caulked with approved waterproof non-hardening caulking compound.

4.The maximum amount of water used by new plumbing fixtures: a) toilets: 1.6 gal. per flush; b) shower heads: 2.5 GPM; c) interior faucets: 2.5 GPM.

5.Showers shall be equipped with control valves of the pressure balance/thermostatic mixing, or the combination pressure balance/thermostatic mixing valve type with high limit stops in accordance with ASME A112.18.1. [P-418]

6.Glass tub and shower doors to be safety glazed to comply with CPSC 16-CFR, Part 1201.

7.Plumbing contractor to install plumbing to minimize noise from use and protect structural support members.

8.Water heaters to be provided with pressure relief valves with provision to drain to exterior or approved drain.

9.Water heaters shall be anchored to resist horizontal movement. [P-508.2]

10.Storm water drains (within 5' of foundation wall) shall be of material as specified for sanitary drainage work. Storm water sewers (5' and beyond foundation) shall be of an approved material as per plumbing contractor.

Finish-

1.All finishes to be identified by owner, including cabinets, doors, and finish trim, etc.

2.Flash all exterior doors, windows, and horizontal wood trim as required.

3.Counter tops to be self edged, and coved. (or as per owner)

4.All open flames and glow elements to be minimum 18" above garage floor.

5.The garage shall be completely separated from the residence and its attic area by means of type "X" board or equivalent applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall be protected by type "X" board or equivalent. [R-302.6]

6.Skylights shall be of an approved kit design, or provide construction plans and details on site to be approved by the inspector before installation begins. All minimum glazing and curb requirements of R-308.6 shall be met.

7.Provide a minimum of 30" wide-space and 21" clear in front of all water closets. [Figure R307.1]

8.Minimum hallway width 36": finish wall to finish wall. [R-311]

9.Provide an approved smoke detector on all floor levels and at all sleeping areas. All detectors in "new construction" shall receive their primary source of power from the permanent built-in wiring, with battery back up in case power is interrupted. Smoke detectors shall not be located between sleeping areas and any cold air return. Coordinate location with field inspector. [R-314]

10.Recessed light fixtures installed in insulated cavities shall be labeled as suitable for being installed in direct contact with insulation, i.e. IC rated.

2000

THE OTTAWA REVERSE

TITLE: ARTIST'S RENDERING & STANDARD CONSTRUCTION NOTES

DRAWN BY: JLS

CHECK BY: RM

DATE: 10/21/06

SCALE: NOTED

Associated DESIGNS

ASSOCIATED DESIGNS, INC.

www.AssociatedDesigns.com

1100 JACOBS DRIVE

EUGENE, OREGON

97402-1983

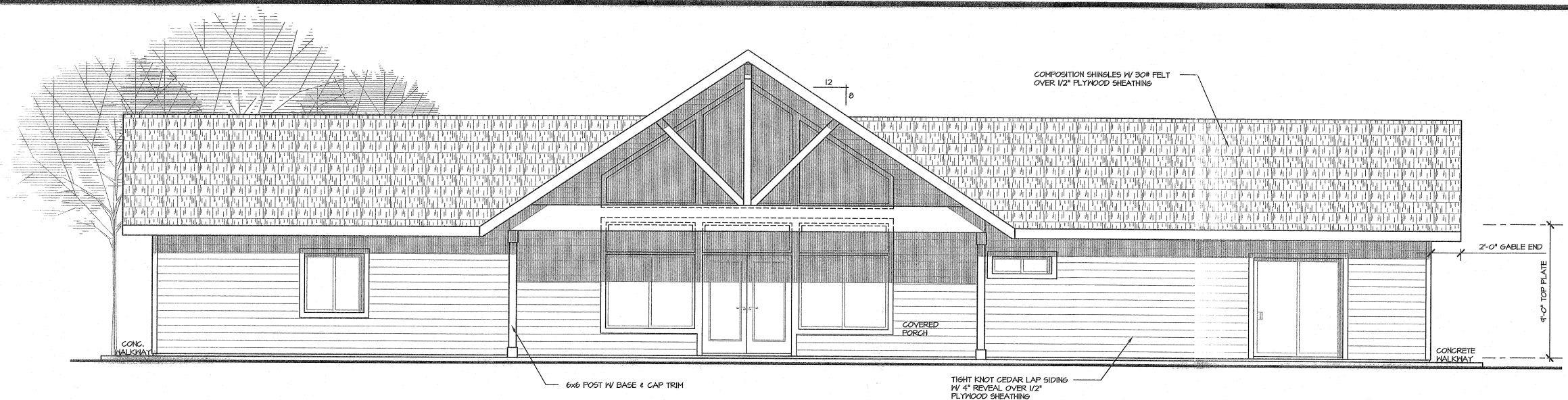
(541) 461-2082

FAX: (541) 461-1274

■ ■ ■

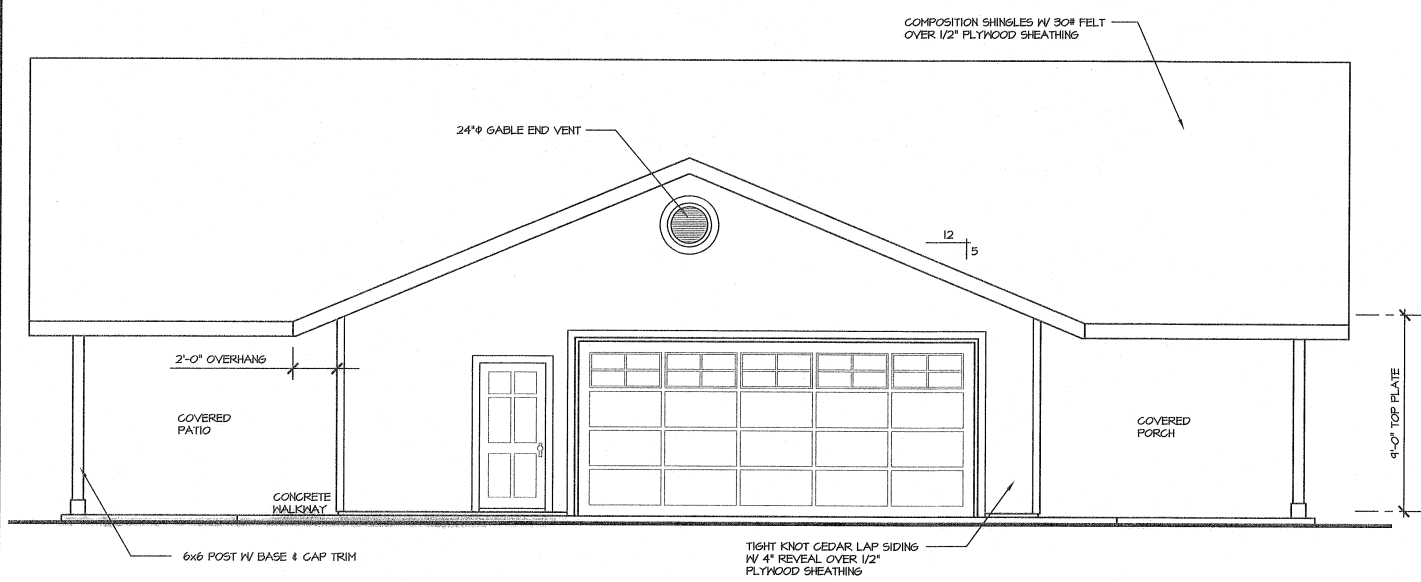
REVISIONS:	
1	02/19/09
2	03/02/10
3	07/05/12
4	06/05/13
REVISION OF: 025-010	

PROJECT: 30-601R
REVERSE
SHEET 1 OF 8



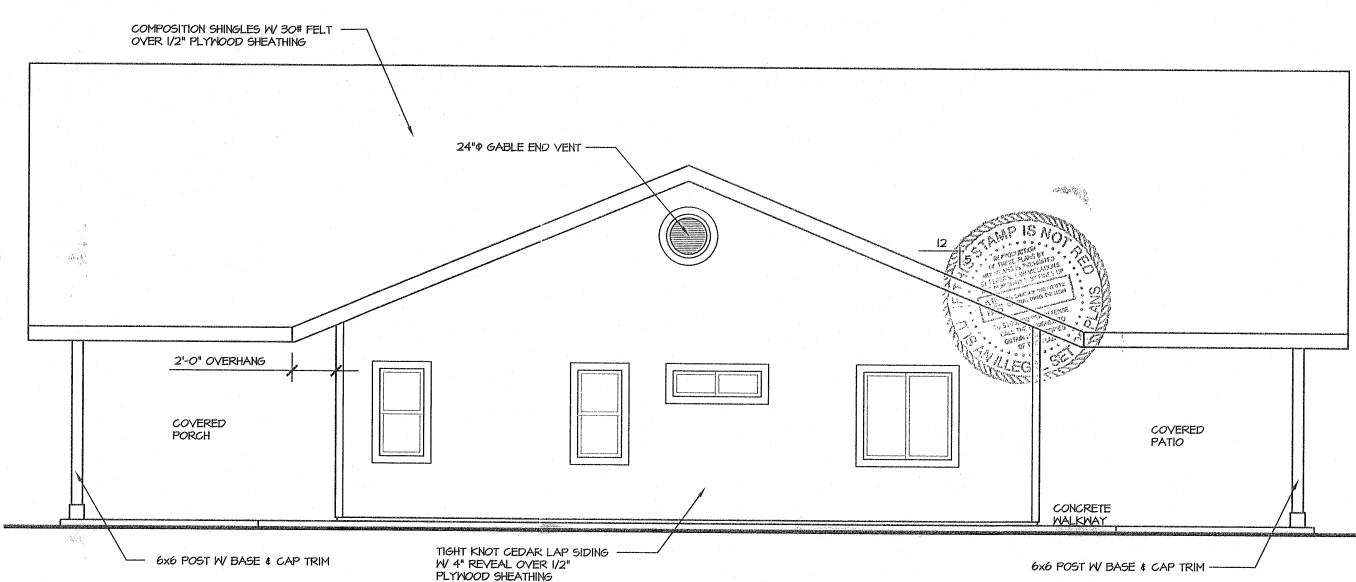
FRONT ELEVATION

SCALE: 1/4"=1'-0"



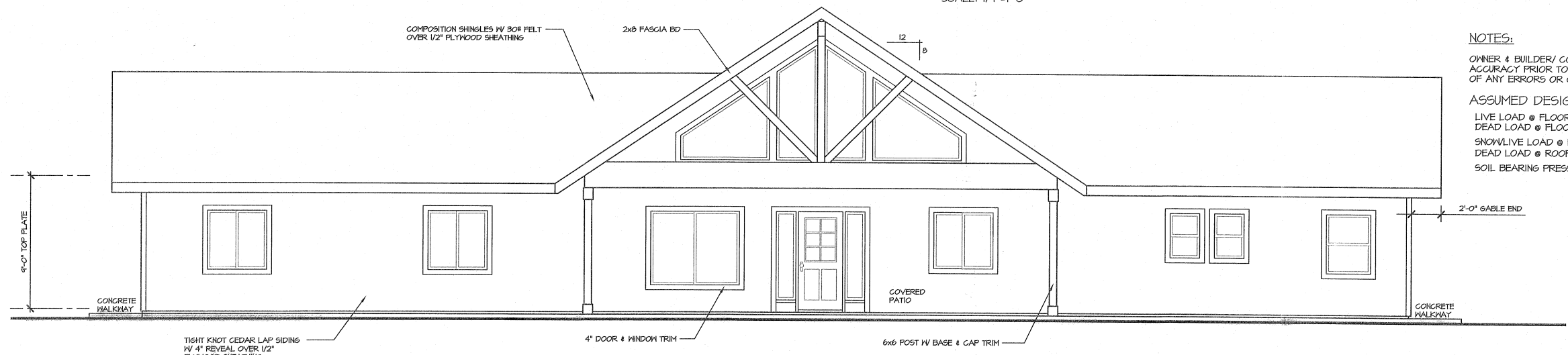
LEFT ELEVATION

SCALE: 1/4"=1'-0"



RIGHT ELEVATION

SCALE: 1/4"=1'-0"

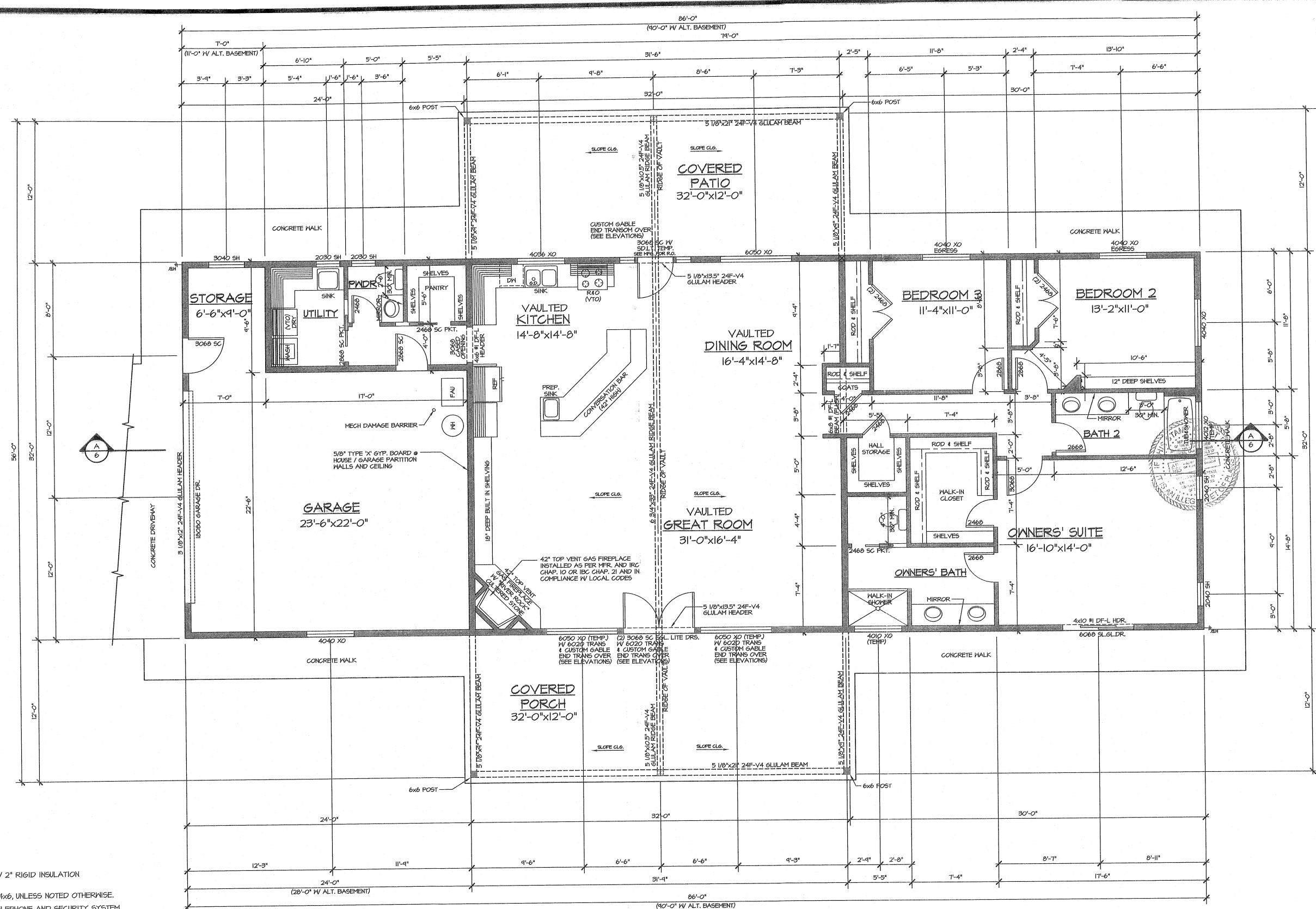


REAR ELEVATION

SCALE: 1/4"=1'-0"

NOTES:
OWNER & BUILDER/ CONTRACTOR(S) TO REVIEW PLAN FOR COMPLETENESS AND ACCURACY PRIOR TO CONSTRUCTION. NOTIFY ASSOCIATED DESIGNS INC. OF ANY ERRORS OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.

ASSUMED DESIGN LOADS:
LIVE LOAD @ FLOOR = 40 PSF
DEAD LOAD @ FLOOR = 10 PSF
SNOW/LIVE LOAD @ ROOF = 25 PSF
DEAD LOAD @ ROOF = 15 PSF
SOIL BEARING PRESSURE = 1500 PSF



- NOTES:
- EXTERIOR WALL HEADERS TO BE 2-2X10 W/ 2" RIGID INSULATION BETWEEN, UNLESS NOTED OTHERWISE.
 - INTERIOR BEARING WALL HEADERS TO BE 4X6, UNLESS NOTED OTHERWISE.
 - COORDINATE PREMISE FOR TV, STEREO, TELEPHONE AND SECURITY SYSTEM WITH OWNER.
 - MECHANICAL SYSTEM TO BE DESIGNED BY MECHANICAL CONTRACTOR TO MEET OWNER'S NEEDS AND COMPLY WITH LOCAL CODES.
 - CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
 - TYPICAL ANGLE IS 45° UNLESS NOTED OTHERWISE.
 - ALL NAILING TO BE IN COMPLIANCE W/ IRC TABLE R602.3(1) OR IBC TABLE 2304.4.1.
 - LOCAL PROFESSIONAL TO VERIFY STRUCTURAL MEMBERS CAPACITY TO SUPPORT LOADS AS REQUIRED BY SITE CONDITIONS AND LOCATION PRIOR TO CONSTRUCTION.

FLOOR PLAN

SCALE: 1/4"=1'-0"

SQUARE FOOTAGE:	
LIVING AREA	2145 SQ. FT.
GARAGE	607 SQ. FT.
TOTAL	2752 SQ. FT.

REVIEWED RM DIMS/SQ.FT.: KA CHECK: TT UPDATED: 06/05/13

2000

THE OTTAWA REVERSE

FLOOR PLAN

DATE: 10/21/06

SCALE: NOTED

DRAWN BY: KA

CHECK BY: RM

Associated DESIGNS

ASSOCIATED DESIGNS, INC.

www.associateddesigns.com

1100 JACOBS DRIVE

EUGENE, OREGON

97402-1983

(541) 461-2082

FAX: (541) 461-1274

REVISIONS:

02/19/09

03/02/10

07/05/12

06/05/13

REVISION OF: 025-010

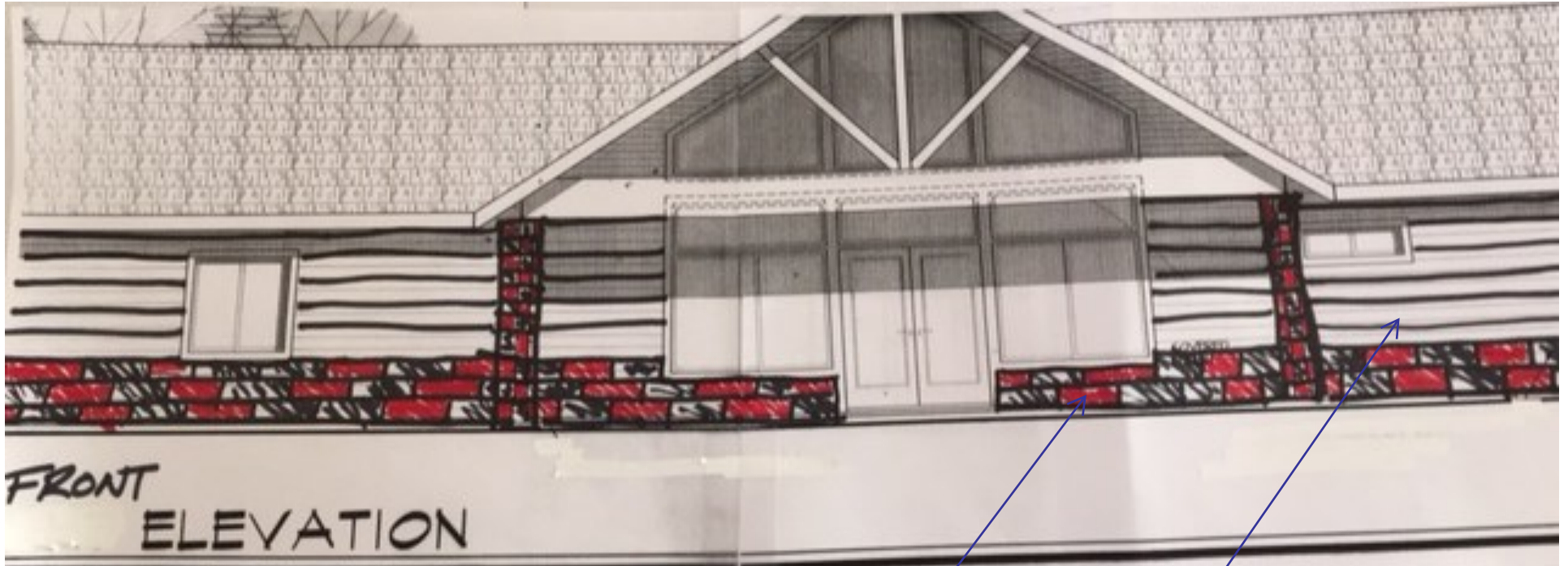
PROJECT:

30-601R

REVERSE

SHEET 3 OF 8

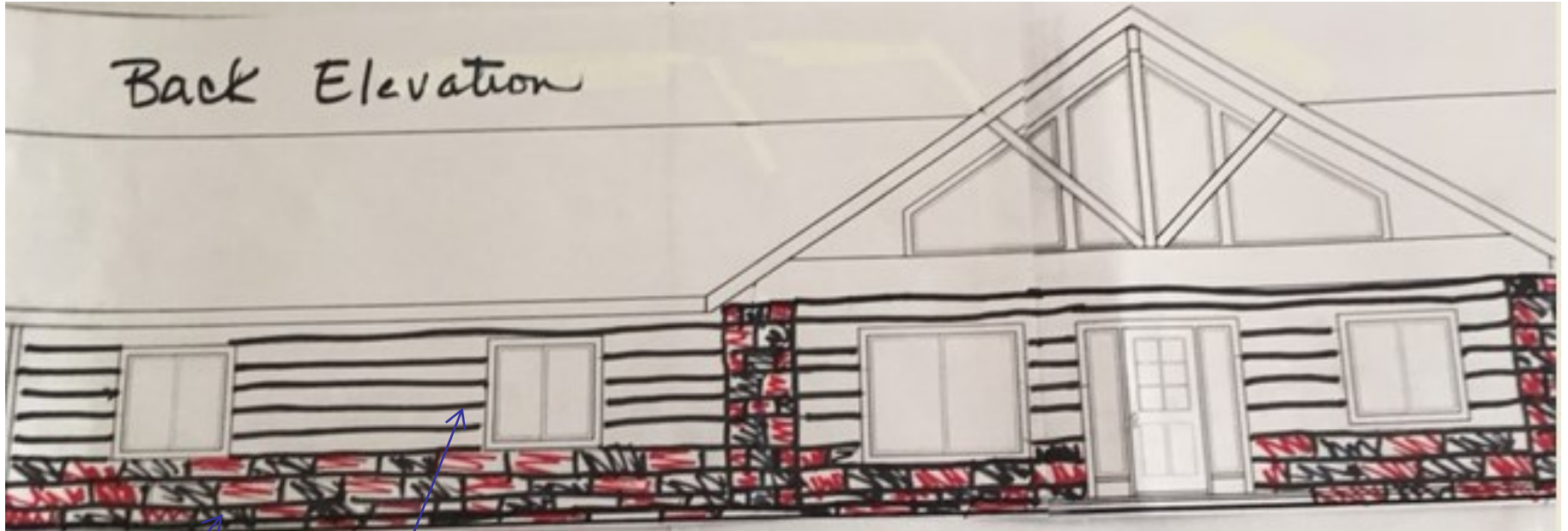
IMPORTANT NOTE: THESE DRAWINGS HAVE BEEN DEVELOPED AND ISSUED WITHOUT REFERENCE AND/OR ON-SITE SUPERVISION OF A SPECIFIC GEOGRAPHIC LOCATION. IN GRANTING REPRODUCTION RIGHTS TO THE PURCHASER AND HAVING BEEN DEVELOPED FOR THE PURPOSES OF THE PURCHASER'S PROJECT, THE PURCHASER ASSUMES ALL RESPONSIBILITY FOR OBTAINING NECESSARY PERMITS AND ENSURING COMPLIANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS PRIOR TO THE START OF CONSTRUCTION. REPRODUCTION OF THIS DRAWING(S) IS PROHIBITED WITHOUT PRIOR WRITTEN PERMISSION.



Red brick to match
primary dwelling unit.

Lap siding to match primary dwelling unit.

Back Elevation



Red brick to match
primary dwelling unit.

Lap siding to match primary dwelling unit.

AP18-02 Hair Secondary Dwelling Unit
Attachment 4: Appeal Application
submitted on June 6, 2018
August 1, 2018

RECEIVED

JUN 06 2018

TOWN OF GILBERT
CUSTOMER SERVICE CENTER



Plan Type: Appeal

Description (Proposal Name): Hair Secondary Dwelling Unit

Case Number (Being Appealed): AUP18-08

Address or Location: 1839 S. 142nd Street, Gilbert, AZ 82595

Grounds upon which the appeal is based (attach separate sheet if necessary):

The lot percentage with two homes, cabana, and work building/garage would exceed the 15.2% listed on the proposed site plan.

The proposed site plan has not been professional surveyed.

Devaluation of neighboring properties as they are 1+ acres pieces.

Property presents itself for future residential rental possibilities.

Increased traffic on easement given for ingress/egress for residents on back acreage lot.

Request (work class):

- | | |
|--|---|
| <input type="checkbox"/> Admin DR to DRB/RDC | <input type="checkbox"/> Admin Relief to Planning Commission |
| <input type="checkbox"/> Admin Decision to Zoning Hearing Officer | <input type="checkbox"/> Design Review Board to Town Council |
| <input type="checkbox"/> Minor Land Division to Planning Commission | <input type="checkbox"/> Planning Commission to Town Council |
| <input type="checkbox"/> Zoning Administrator to Board of Adjustment | <input checked="" type="checkbox"/> Zoning Administrator to Planning Commission |
| <input type="checkbox"/> Zoning Hearing Officer to Board of Adjustment | |

Applicant/Contact: (All information must be provided)

Company: Matthew Dawson
Contact: Matthew Dawson E-mail: cdawson125@yahoo.com
Address: 1841 S. 142nd Street
City, Zip: Gilbert 85295
Phone: 602-463-6161 ☐ Business ☒ Mobile ☐ Home ☐ Other
Signature: M. Dawson Date: June 6, 2018

Administrative Completeness Review

Staff will review the application to ensure all required documents and information has been included. If required information is missing, applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be conducted. Staff may also determine if the request does not fall under the purview of this application type.

A.R.S. § 9-843. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

Staff Use Only:

Permit Number: PAP-2018-00002

\$305.00

00018968

Stephanie

11B

Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Thursday, June 14, 2018 3:05 PM
To: 'Aaron Liddle'
Subject: RE: 1839 S 142nd St. Administrative Use Permit (AUP18-08)

Aaron, I understand the scenario you are presenting. A neighbor who sees a violation on a property is able to report it to our code officers or Town of Gilbert 311 so they can investigate the proposed violation. The use permit does not grant the homeowner to separate utilities.

Administrative Use Permits are approved or denied based on findings of fact and code requirements, UP18-08 has been approved and met all the findings that the code requires, the appeal window is still open and as I have mentioned before, a neighbor has submitted an appeal application. Once a public hearing date has been set you will be notified and you are welcome to present your concerns in front of the Planning Commission.

Stephanie Bubenheim

Planner II | Development Services | Town of Gilbert
90 East Civic Center Drive | Gilbert, AZ 85296
Work: 480.503.6625 | Email: Stephanie.Bubenheim@gilbertaz.gov

Mon-Thurs, 7:00am - 6:00pm | Closed Fridays



From: Aaron Liddle [REDACTED]
Sent: Thursday, June 14, 2018 11:41 AM
To: Stephanie Bubenheim
Subject: Re: 1839 S 142nd St. Administrative Use Permit (AUP18-08)

Hi Stephanie,

I feel like you don't understand what people are able to do in this situation. Once the secondary home is built and permits are completed. The homeowner can easily switch the secondary home power to come from his garage panel.

By authorizing the use permit, he now has the ability to separate his SRP utilities. From the site plan provided, it looks like they are getting a separate water meter. They have the ability to: build a home, relocate the power source so it has its own meter with the detached garage, record a lot split (the county does not verify for conforming) and then sell the front house and live in the back house.

That is quite a loophole in the code requirements. The only way to prevent the homeowner from having the ability to do this is by denying the user permit.

I strongly urge you to reconsider the authorization of this permit. The only way to protect the community from this code violation is to deny the use permit until the homeowner relocates the detached garage power to come through the original home's meter.

Thanks
Aaron

On Thu, Jun 14, 2018 at 7:48 AM, Stephanie Bubenheim <Stephanie.Bubenheim@gilbertaz.gov> wrote:

Hi Aaron,

The accessory garage on the Hair property has a separate SRP service with a panel and meter from the primary dwelling. This is permitted for accessory structures, the service is coming from a utility pole on the southeast area of the property. The structure received a building permit in 2015.

The secondary dwelling is not permitted to utilize this service, electric service has to come from the panel and meter on the primary dwelling and both dwellings would be on one utility bill. The intent behind this code requirement is to keep the units together under one property so that the property cannot be split in the future. Part of the building permit process is ensuring that the secondary dwelling meets code requirements and inspections are required.

Stephanie Bubenheim

Planner II | Development Services | Town of Gilbert

[90 East Civic Center Drive | Gilbert, AZ 85296](#)

Work: 480.503.6625 | Email: Stephanie.Bubenheim@gilbertaz.gov

Mon-Thurs, 7:00am - 6:00pm | Closed Fridays



From: Aaron Liddle [REDACTED]

Sent: Wednesday, June 13, 2018 12:43 PM

To: Stephanie Bubenheim

Subject: Re: 1839 S 142nd St. Administrative Use Permit (AUP18-08)

Hi Stephanie,

Attached is the panel and **meter** of the detached garage on the northeast corner of the property. If the property owner has stated that the power is coming from the home, he has not been honest about it.

Thanks

Aaron

On Wed, Jun 13, 2018 at 12:26 PM, Aaron Liddle [REDACTED] wrote:

Preventing separate utility meters will prevent a parcel split. But the county does not enforce conformity when doing lot splits. It is up to the town or city to enforce conformity through not allowing building permits. Once a permitted home has been built, there is nothing to enforce conformity.

Case and point, I had a friend that purchased the property at [REDACTED] When he purchased it, someone had split the lot into two non-conforming parcels. (Lot split not enforced) But when my friend, applied for a building permit, he was required to combine the lots. (Conformity enforced)

I think the power source of the garage panel needs to be verified. I'm at the office but I was pretty sure the power is coming directing from an SRP overhead power line at the back corner of the property. Just because it isn't stated that way on the plans, doesn't make it so.

Thanks

Aaron

On Wed, Jun 13, 2018 at 12:17 PM, Stephanie Bubenheim <Stephanie.Bubenheim@gilbertaz.gov> wrote:

The garage on the property does have separate power from the principal dwelling which is permitted for accessory structures. The applicant is already aware that the town will not allow SRP service to be pulled from the accessory garage and this would be checked during the building permit process, this was addressed during 1st review of the use permit. The parcel will still be unable to be split because of minimum zoning requirements for the SF-43 zoning district such as lot size in Section 2.104.

Stephanie Bubenheim

Planner II | Development Services | Town of Gilbert

[90 East Civic Center Drive | Gilbert, AZ 85296](#)

Work: 480.503.6625 | Email: Stephanie.Bubenheim@gilbertaz.gov

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From: Aaron Liddle [REDACTED]
Sent: Wednesday, June 13, 2018 12:05 PM

To: Stephanie Bubenheim
Subject: Re: 1839 S 142nd St. Administrative Use Permit (AUP18-08)

Thank you for the quick response. One more concern I want to address. It is my understanding that the power for the detached garage in the back of the property is coming directly from the powerline in the back yard. What would prevent him from pulling his power from the garage meter and then be able to split the parcels for sale?

Thanks

Aaron

On Wed, Jun 13, 2018 at 11:54 AM, Stephanie Bubenheim <Stephanie.Bubenheim@gilbertaz.gov> wrote:

The purpose of public notification is to keep surrounding property owners involved in a process that requires special permit, opinions are not ignored and there is a possibility to appeal an Administrative Use Permit. The main concerns from neighbors is the ability for the structure to become a rental which is permitted in the code, and the size of the structure which currently the code does not have a limitation on square footage of secondary dwelling units, aside from not exceeding maximum lot coverage.

I have attached a link to the LDC please see Section 2.106.D regarding secondary dwellings, they are permitted to have a full kitchen and have residents: <https://www.gilbertaz.gov/home/showdocument?id=8465>

There is a neighbor that has applied for an appeal but is out of town this week, I am waiting on his confirmation.

Stephanie Bubenheim
Planner II | Development Services | Town of Gilbert

[90 East Civic Center Drive | Gilbert, AZ 85296](#)

Work: 480.503.6625 | Email: Stephanie.Bubenheim@gilbertaz.gov

Mon-Thurs, 7:00am - 6:00pm | Closed Fridays



From: Aaron Liddle [REDACTED]
Sent: Tuesday, June 12, 2018 7:31 PM
To: Stephanie Bubenheim
Subject: Re: 1839 S 142nd St. Administrative Use Permit (AUP18-08)

Thank you for your response. I'm aware of at least two other neighbors that opposed this secondary dwelling. What was the purpose of sending the notices if our opinions would not have any effect on the decision?

My understanding has been that any second dwelling could not have a full kitchen and permanent residents. If that is the case, this would be an exception to the rule.

Is there an appeals process or a town council meeting that this goes before that I can make my case?

Thanks

Aaron Liddle

On Jun 12, 2018, at 5:03 PM, Stephanie Bubenheim <Stephanie.Bubenheim@GilbertAZ.gov> wrote:

Hi Aaron,

Thank you for sharing your concerns with the town, we welcome any comments as part of the public notification process.

I understand your reservations for a secondary dwelling within your neighborhood, but to address some of your concerns, the request for a secondary dwelling unit does not change the zoning of a property. A secondary dwelling unit is permitted subject to approval of an Administrative Use Permit in any single-

family zoning district subject to specific requirements that must be met per LDC 2.106.D. One of these requirements is utility services must be provided through the principal dwelling. This condition is required in order to prohibit a future lot split and creating two separate properties. In this case 1839 S. 142nd Street is complying with this regulation and will not be able to split the property in the future because it will create two non-conforming lots. Any secondary dwelling unit is permitted to be a rental property, much like any single-family property is permitted to be a rental property or to be used as a short-term rental in the town.

The Notice of Decision for UP18-08 was sent out yesterday and was approved based on the findings of fact and the request is meeting code requirements, I have attached the letter for your viewing. I also strongly suggest that you voice your concerns to your neighbor about the private road and see if there might be a compromise that can be met.

Stephanie Bubenheim

Planner II | Development Services | Town of Gilbert

90 East Civic Center Drive | Gilbert, AZ 85296

Work: 480.503.6625 | Email: Stephanie.Bubenheim@gilbertaz.gov

Mon-Thurs, 7:00am - 6:00pm | Closed Fridays

<image001.jpg>

From: Aaron Liddle [REDACTED]

Sent: Sunday, June 10, 2018 9:50 PM

To: Stephanie Bubenheim

Subject: 1839 S 142nd St. Administrative Use Permit (AUP18-08)

Hello Stephanie,

I recently received a notice regarding the above mentioned permit for a proposed secondary dwelling unit for the Hairs. I am emailing you to voice my concern and discourage the approval of this permit.

The first reason for my disapproval is that I purchased a home in an area zoned for SF-43 so that my family could enjoy the open space and the privacy afforded to this zoning. The proposed structure would be in conflict with this purpose.

My second concern deals with the long term purpose of this secondary dwelling. I am empathetic to the idea of providing a home for the Hair's parents. But my concern lies with who lives in this home after that. I disapprove of this home becoming a rental property. This would bring consistent turn over that negatively affects its neighbors. Additionally, the proposed dwelling shares a private road with several neighbors that requires cooperation. A renter has less incentive to cooperate with the needs of the road or their neighbors.

My last concern is that if this second dwelling is approved with separated utility meters, there will be nothing to prevent the property owner to subdivide the lot with the county and sell the homes separately. Once the home is built, there isn't much in the way of enforcement to prevent this.

If we allow one neighbor, for all intents and purposes, to change the zoning; what right would we have to prevent another neighbor to do the same. A couple of neighbors see the benefits of requesting a secondary dwelling use permit and our SF-43 zoning isn't SF-43 anymore.

Please feel free to share any details that I am missing that could sway my opinion. I would also like to know the results that come from the Zoning Administrator decision.

Kind Regards,

Aaron Liddle



From the Gilbert Green Team: Please consider the environment before printing this email.

Under Arizona Law, email to and from public entities may be public records subject to release upon request. This message (including any attachments) contains information intended for a specific individual and purpose. If you are not the intended recipient, please notify the sender immediately by either reply email or by telephone and delete this message from your system.

<AUP18-08 NOD Hair Secondary Dwelling 6.11.2018.pdf>

Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Tuesday, June 12, 2018 5:03 PM
To: '85295 AZ'
Subject: RE: Hair Secondary Dwelling Unit - 139 S. 142nd St; Administrative Use Permit (AUP18-08)

Mr. and Mrs. Mellberg,

Thank you for voicing your concerns about the proposed secondary dwelling unit at 1839 S. 142nd St. The town welcomes all comments from the community as part of the public notification process.

To address some of your concerns, the request for a secondary dwelling unit does not change the zoning of a property. A secondary dwelling unit is permitted subject to approval of an Administrative Use Permit in any single-family zoning district subject to specific requirements that must be met per LDC 2.106.D. One of these requirements is utility services must be provided through the principal dwelling. This condition is required in order to prohibit a future lot split and creating two separate properties. In this case 1839 S. 142nd Street is complying with this regulation and will not be able to split the property in the future because it will create two non-conforming lots. Any secondary dwelling unit is permitted to be a rental property, much like any single-family property is permitted to be a rental property or to be used as a short-term rental in the town. For the subject site, SRP service will be coming from the principal dwelling, the current utility service is on the north side of the principal dwelling. The current service panel for the principal dwelling is non-conforming per SRP because it is located within a carport, SRP is requiring the panel to be relocated but the same panel will be used.. Water service for the secondary dwelling will also be coming from the same service as the principal dwelling.

I appreciate your concerns and I also highly suggest voicing your concerns to your neighbor to see if there might be a compromise that could be met.

Stephanie Bubenheim

Planner II | Development Services | Town of Gilbert
90 East Civic Center Drive | Gilbert, AZ 85296
Work: 480.503.6625 | Email: Stephanie.Bubenheim@gilbertaz.gov

Mon-Thurs, 7:00am - 6:00pm | Closed Fridays



CONNECT WITH US



From: [REDACTED]
Sent: Sunday, June 10, 2018 10:06 PM
To: Stephanie Bubenheim
Subject: Hair Secondary Dwelling Unit - 139 S. 142nd St; Administrative Use Permit (AUP18-08)

Re:
Hair Secondary Dwelling Unit - 139 S. 142nd St.
Administrative Use Permit (AUP18-08)

Dear Stephanie Bubenheim,

I am writing to express my concerns regarding the secondary dwelling unit that has been requested for the above listed location. I am concerned that the plans included for this property make changes to change the zoning density of "Single Family-43".

I am concerned that this site could be subdivided in the future or at very least used as a multifamily dwelling. I am concerned that with the size of the planed Secondary Dwelling, that it will be used as a rental for a separate family, or converted to the primary dwelling and the Primary used as the rental. I am also concerned that in the future this parcel might be subdivided and sold as separate lots even though they are zoned as SF-43. When I purchased my current property at [REDACTED], my intent was to live in a community where houses were developed on larger lot sizes of at least one acre, and this increases the density for the SF-43 zoning. This increase in density to this property will decrease the value of all adjacent properties.

I also would like to inquire about the proposed "SRP Electric Panels" listed on the proposed site plan. It appears that the proposed plans include different meters for each unit as well as a proposed city water connection for the secondary dwelling. It is my understanding that "all utility services for accessory structures must come from the primary structure's utility connection." This further validates my concerns for this site being used as a Multi-Family residence rather than Single Family as per current zoning code.

I would like to request that the council denies the Administrative Use Permit that is being requested.

Please feel free to contact me with any further questions or concerns.

Sincerely,
Ben and Karley Mellberg

[REDACTED]
[REDACTED]
[REDACTED]

Project Narrative

Constructing a secondary dwelling on existing property located at: 1839 S. 142nd Street, Gilbert for my elderly parents to occupy full time. (already zoned for SF-43)

General Plan

We want my parents to join the family-oriented community with a small town atmosphere. There is no doubt that the population will continue to increase in Gilbert and we want my parents to be a part of that. We also plan to have them donate time back to the community as they are able.

Policy 1.1 (Goals and Policies)

“New developments should strive to achieve highly articulated architecture (composition of individual pieces with relationships to one another), efficient site design, sustainable landscaping (water conserving/heat island reduction/cost effective), creative signage and energy efficient lighting.”

- Proposed house will be a one story with basement to not block the view around the neighborhood.
- Proposed house will have similar exterior to match original existing home

Policy 2.2

“Respect the character of land use areas designated for large lot development that accommodates a semi-rural lifestyle through preserving view corridors, dark sky (reduction of outdoor light pollution) and architecture.”

- Proposed house and garage parking will be included within existing property lines (not viewed on adjacent street)
- Proposed house will look similar in construction to existing house i.e. red brick and white siding-- for exterior views to meet the city’s request for planning, water conservation, sustainable landscaping and energy efficient lighting.
- Using irrigation for any lawn and trees to save city water.

Policy 3.3

“Encourage use of the most energy efficient systems on doors and windows and employ energy efficient methods for cooling/heating and water systems on new and retrofitted houses install new and remodeling construction projects.”

- Proposed site will have energy efficient systems to keep with the city’s policies and make it more cost effective for both of us, doors, windows, heating/cooling.

Policy 3.5

“Encourage developers to avoid the predominance of garages by providing mitigation measures such as: placing garages considerably recessed from the front plane of the house, designing side entry or tandem garages or integrating their design into the architectural style of the house.”

- Garage will be placed away from front of the existing property and enclosed by accessible gate. (this also is in line with the zoning requirements)
- Top of house will only be seen from “private” street thora fare adjacent to 142nd Street.

Policy 5.3

“Encourage projects to protect the privacy of adjacent single family residential uses through effective placement of landscape buffers, screening, shielded light fixtures and other mitigation measures.”

- Replacing existing very, very old chicken fencing with attractive block that matches other areas on the existing on property (north side) on private street
- Adjacent properties will have a much more attractive area to view out their windows, and will cut down the animal debris odor and hopefully scorpions

Policy 9.3

“Encourage substantial landscaping in public and private projects to maintain a heavily landscaped feel to the community while utilizing drought tolerant plant materials and reclaimed water to irrigate planted areas to reduce the consumption of potable water.”

- Existing property has landscaping i.e., grass, drought tolerant trees. The proposed house will be removing a large area of grass which will also reduce water consumption once built.

6.4 Planning Guidelines (E)

“Lighting for each type of land use is specific in its nature and requires creativity and sensitivity to other adjacent land uses. Encourage conservation of dark sky when designing lighting for projects. By using different types of illumination, specific environments can be created without compromising safety. Lighting design for all projects should be energy efficient, durable, and adequate in quantity and quality, not produce light pollution or trespass and utilize energy efficient lighting fixtures.”

- New build will have energy efficient, durable and quality efficient lighting fixtures which will not cause issues for our new neighbors or light pollution. We want this family home to be as cost effective as possible for my parents to make retirement costs easier and happier to be so close to their grandchildren.